

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:	)	
Joseph J. Kubler et al.	)	CERTIFICATE OF ELECTRONIC FILING
	)	
Serial No. 10/760,167	)	I hereby certify that this correspondence is
	)	being sent via electronic filing to the United
Filed: January 16, 2004	)	States Patent and Trademark Office on this
	)	date:
	)	
For: Hierarchical Data Collection Network	)	August 24, 2007
Supporting Packetized Voice	)	
Communications Among Wireless	)	
Terminals And Telephones	)	<u>/Philip Henry Sheridan/</u>
	)	Philip Henry Sheridan
Examiner: Moore, Ian N.	)	Reg. No. 59,918
	)	
Group Art Unit: 2661	)	
	)	
Confirmation No.: 1127	)	

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has two (2) pages.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Twenty-six (26) references are attached.

**FEE DETERMINATION AND PAYMENT**

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the

application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### **REQUEST FOR CONSIDERATION**

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned litigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return a copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: August 24, 2007

/Philip Henry Sheridan/

Philip Henry Sheridan

Reg. No. 59,918

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/760,167
		Filing Date	January 16, 2004
		First Named Inventor	Joseph J. Kubler
		Art Unit	2616
		Examiner Name	Moore, Ian N.
		Attorney Docket Number	14364US07
Sheet	1	of	2

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A10	5,295,154	03/15/1994	Meier et al.	
	A11	5,394,436	02/28/1995	Meier et al.	
	A12	5,335,276	08/02/1994	Thompson	
	A13	5,764,736	06/09/1998	Shachar	
	A14	5,912,882	06/15/1999	Yafuso	
	A15	4,914,586	04/03/1990	Swinehart	
	A16	6,006,100	12/21/1999	Koenck et al.	
	A17	5,682,379	10/28/1997	Mahany et al.	
	A18	6,359,872	03/19/2002	Mahany et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
		Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>4</sup> (if known)				
B2	WO	94/11967	05/26/1994	Weeks		
B3	WO	96/05592	02/22/1996	Qualcomm		
B4	WO	92/02084	02/06/1992	Koenck		

OTHER ART -- NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issu number(s), publisher, city and/or country where published			
	C3	BARBARA et al., "Replicated Data Management In Mobile Environments: Anything New Under The Sun?", 10/22/1993			
	C4	BARTAL et al., "The Distributed k-Server Problem --A Competitive Distributed Translator for k-Server Algorithms, 1992			
	C5	BLAZE, "Catching In Large-Scale Distributed File Systems", PhD thesis, Princeton University, 01/1993			
	C6	DOUGLAS, "Transparent Process Migration: Design Alternatives And The Sprite Implementation", Software-Practice And Experience, Vol., 21(8), 757-785, 08/1991			
	C7	HUANG et al., "Object Allocation In Distributed Databases And Mobile Computers", 02/1994			
	C8	HUANG, "Data Replication For Mobile Computers", ACM-SIGMOD, 05/1994			
	C9	IMIELINSKI et al., "Mobile Wireless Computing: Solutions And Challenges In Data Management", Dept. of Computer Science, Rutgers University, 1992			

EXAMINER SIGNATURE	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(use as many sheets as necessary)		Attorney Docket Number	14364US07
Sheet	2	Of	2

**OTHER ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C10	Defendant And Counterclaim Plaintiff Qualcomm Incorporated's Final Invalidity Contentions, With Exhibit C, 11/21/2006
	C12	HARRICK et al., "Multimedia Conferencing In The Etherphone Environment," IEEE Computer, Vol. 24, No. 10, 10/1991
	C13	SWINEHART et al., "Adding Voice To An Office Computer Network", Proceedings of IEEE Globecom '83, 02/1984
	C14	ZELLWEGER et al., "An Overview Of The Etherphone System And Its Applications," Proceedings of the 2 <sup>nd</sup> IEEE Conference on Computer Workstations, 1988
	C17	Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.05, 06/02/1994, 457QB00835840-77
	C18	Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 2.09, 03/06/1995, 457QB00836280-319
	C19	Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.02, 04/05/1995, 457QB00836414-53
	C20	Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.04, 05/08/1995, 457QB00836798-834
	C21	Qualcomm's STU-III Service Option for Wideband Spread Spectrum Systems (Proposed Draft Text), Version 3.04a, 06/02/1995, 457QB00836532-69
	C22	WEISSMAN et al., End-To-End Security For Commercial PCS Networks, 04/23/1995, 457QB00836748-56
	C23	Defendant Qualcomm Incorporated's Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19)
	C24	Defendant Qualcomm Incorporated's Second Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19), 03/01/2006
	C25	Defendant Qualcomm Incorporated's Third Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 5, 10)
	C26	Defendant Qualcomm Incorporated's Fifth Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 2-4, 60 And First Supplemental Response To Interrogatory No. 18
	C27	DeTreville et al., "A Distributed Experimental Communication System", IEEE Journal on Selected Areas in Communications, Vol. SAC-1, No.6, Dec. 1983.
	C28	FYE, "Expert Report of Donald M. Fye Regarding U.S. Patent No. 6,389,010", with Appendix A and Exhibits 1-10, and 12-18, 12/22/2006

EXAMINER	DATE CONSIDERED
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\*Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.